

Applicant(s):

Carlucci et al.

Serial No.:

10/811,322

Filed:

March 26, 2004

For:

A DISPENSING APPARATUS FOR RECEIVING A

NUMBER OF DIFFERENTLY SIZED FOAM CANNISTERS

Art Unit:

3754

Examiner:

Not yet assigned

Confirmation No.:

9464

Customer No.:

27623

Attorney Docket No.:

884.0221USU

Date: December 16, 2004

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment **Commissioner for Patents** P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In accordance with applicants' duty of disclosure under 37 C.F.R. §1.56, we are enclosing form PTO-1449 listing information that may be material to the patentability of this application.

Cited in the attached PTO-1449 are:

U.S. Patent Nos. 3,207,369; 3,358,885; 3,518,410; 3,559,850; 3,576,279;

3,578,945; 3,593,894; 3,596,056; 3,644,707; 3,710,978; 3,710,985; 3,712,512;

 $3,722,753;\ 3,733,460;\ 3,749,880;\ 3,752,155;\ 3,758,002;\ 3,790,033;\ 3,804,537;$

 $3,823,851;\ 3,843,022;\ 3,846,614;\ 3,891,827;\ 3,896,973;\ 3,914,576;\ 3,917,121;$

3,933,276; 3,990,612; 3,997,083; 4,000,834; 4,024,987; 4,027,786; 4,046,289; 4,056,707; 4,067,480; 4,069,949; 4,094,446; 4,140,247; 4,349,131; 4,544,085; 4,595,131; 4,624,395; 4,968,166; 4,971,229; 4,974,319; 5,289,951; 5,513,771; 5,524,792; 5,320,250; 5,590,582; 5,700,991; 5,747,102; 5,780,819; 5,786,573; 5,803,317; 5,811,766; 5,832,178; 5,913,455; 5,950,867; 5,979,796; 6,003,733; 6,016,935; 6,056,160; 6,098,524; 6,179,162; 6,204,485; 6,253,957; 6,311,868; 6,361,752; and 6,415,957.

Pursuant to the waiving of the requirement of 37 CFR 1.98 (a)(2)(i), copies of these U.S. references are not enclosed.

lt should be understood that attention has been called to the citations that have been deemed to be pertinent to the claimed present invention. In concluding what was pertinent, the criteria employed was considered most appropriate in light of the invention shown in the present application. However, the Examiner or others may deem some other criteria to be just as appropriate or more appropriate. Therefore, the Examiner is respectfully urged to review the listed citations and to make the usual careful independent search for other prior art that may be pertinent.

Since this Information Disclosure Statement is being filed prior to the issuance of the first Office Action based on the merits, no petition or fee is required.

Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,

Charles N.J. Ruggiero

Reg. No. 28,468

Attorney for Applicant(s)

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

One Landmark Square, 10th Floor

Stamford, CT 06901-2682

(203) 327-4500



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE PATENT TRANSMITTAL FORM

Carlucci et al.

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Customer No.:

27623

Attorney Docket No.:

884.0221USU

Mail Stop Amendment Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

We are enclosing:

- Information Disclosure Statement; 1.
- PTO Form 1449; 2.
- Transmittal letter in duplicate; and 3.
- Postcard. 4.

Please charge any additional fees or credit any such fees, if necessary to Deposit Account No. 50-1239 in the name of Conair Corporation. A duplicate copy of this sheet is attached.

Charles N.J. Ruggiero

Date: December 17, 2004

Reg. No. 28,468

Respectfully submitted

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.

One Landmark Square, 10th Floor Stamford, Connecticut 06901-2682

(203) 327-4500

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON DECEMBER 17, 2004.

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| | 3,207,369 | Sept. 21, 19 | 65 Rossi | | | | | | |
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| | 3,518,410 | Jun. 30, 19 | 70 Dillars | stone | | | | | |
| • | 3,559,850 | Feb. 2, 197 | 71 Barkir | et al. | | | | | |
| | 3,576,279 | Apr. 27, 19 | 71 Ayres | et al. | | | | | |
| | 3,578,945 | May 18, 19 | 71 Ayres | et al. | | | | <u></u> | |
| | 3,593,894 | Jul 20, 197 | 71 Kehoe | et al. | ļ | | | | |
| | 3,596,056 | Jul. 27, 19 | 71 Dillar | stone | | | | | |
| | 3,644,707 | Feb. 22, 19 | 72 Coste | llo | | | | | |
| | 3,710,978 | Jan. 16, 19 | 73 Cosby | · | | | | | |
| | 3,710,985 | Jan. 16, 19 | | | | | | | |
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Sheet 2 of 7.

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| | 3,712,512 | Jan. 23, 197 | Snider, Jr. et al | | ļ | | | | |
| | 3,722,753 | Mar. 27, 197 | 3 Miles | | | | | | |
| • | 3,733,460 | May 15, 197 | 3 Ryckm | an Jr. | <u> </u> | | | | |
| | 3,749,880 | Jul. 31, 1973 | Meeks | | | | | | |
| | 3,752,155 | Aug. 14, 197 | 3 Blinof | f, Jr. et al | <u> </u> | | | | |
| | 3,758,002 | Sept. 11, 197 | 3 Doyle | et al. | | | | | |
| | 3,790,033 | Feb. 5, 1974 | Ciaffor | ne | | | | | |
| | 3,804,537 | Apr. 16, 197 | 4 Pass | | | | | | |
| | 3,823,851 | Jul. 16, 197 | 4 Waters | iffe et al. | | | | | |
| · · | 3,843,022 | Oct. 22, 197 | 4 Radcli | | | | | | |
| | 3,846,614 | Nov. 5, 1974 Doy | | et al. | | | | | |
| | 3,891,827 | Jun. 24,197 | 5 Wyse | | | | | | |
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Sheet <u>3</u> of <u>7</u>.

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| INITIAL | DOCUMENT NUMBER | DATE | | NAME | CLAS | s | SUBCLASS | APPRO | |
| | 3,896,973 | Jul. 29, 1975 | Morgar | 1 | | | | | |
| • | 3,914,576 | Oct. 21, 1975 | Ciaffor | ie | | | | | |
| | 3,917,121 | Nov. 4, 1975 | Ciaffor | ıe | | | | | |
| | 3,933,276 | Jan. 20, 1976 Packham | | m et al. | | | | | |
| | 3,990,612 | Nov. 9, 1976 | Gasser | | | | | 1 | |
| | 3,997,083 | Dec. 14, 1976 | McNai | r | | | | | |
| | 4,000,834 | Jan. 4, 1977 | Whiley | , | | | | | |
| | 4,024,987 | May 24, 1977 | Myles | | | | | | |
| | 4,027,786 | Jun. 7, 1977 | Ryckm | an, Jr. | | | | | |
| | 4,046,289 | Sept. 6, 1977 | Teranis | shi | | | | | |
| | 4,056,707 | Nov. 1, 1977 | Farnan | 1 | | | | | |
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Sheet 4 of 7.

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| | 4,067,480 | Jan. 10, 1978 | Gasse | r | | | | | |
| | 4,069,949 | Jan. 24, 1978 | Ryckr | nan, Jr. | | | | | |
| | 4,094,446 | Jun. 13, 1978 | Brutsı | man | | | | | |
| | 4,140,247 | Feb. 20, 1979 | Rice | | | | | | |
| | 4,349,131 | Sept. 14, 1982 | 2 Arabi | an | | | | | |
| | 4,544,085 | Oct. 1, 1985 | Fraze | r | | | | | |
| | 4,595,131 | Jun. 17, 1986 | Ruski | n et al. | | | | | |
| | 4,624,395 | Nov. 25, 198 | 6 Baron | et al. | | | | | |
| | 4,968,166 | Nov. 6, 1990 | Ingrai | m | | | | | |
| | 4,971,229 | Nov. 20, 199 | Heim | Heimlich | | | | | |
| | 4,974,319 | Dec. 4, 1990 | Magu | ire, Jr. et al. | | | | | |
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CUSTOMER NO.: 27623 ·

Sheet <u>5</u> of <u>7</u>.

| ORM PTO-14 | 149 | | Docket Number (Optional) Application Number | | | | | | | |
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| | 5,289,951 | Mar. 1, 1994 | | ws | | | | | | |
| | 5,513,771 | May 7, 1996 | Cote | | | | | | | |
| • | 5,524,792 | Jun. 11, 1996 | Waka | bayashi et al. | | | - | | | |
| | 5,320,250 | Jun. 14, 1994 | La et | al. | | | | | | |
| | 5,590,582 | Jan. 7, 1997 | Weiss | | | | | | | |
| | 5,700,991 | Dec. 23, 1997 | Osber | n | | | | | | |
| | 5,747,102 | May 5, 1998 | Smith | et al. | | | | | | |
| | 5,780,819 | Jul. 14, 1998 | Fabril | kant et al. | | | | | | |
| | 5,786,573 | Jul. 28, 1998 | Fabril | kant et al. | <u> </u> | | | | | |
| | 5,803,317 | Sept. 8, 1998 | Whee | eler | | | | | | |
| | 5,811,766 | Sept. 22, 199 | 8 Fabrikant et al. | | | | | | | |
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Sheet <u>6</u> of <u>7</u>.

| ORM PTO-1449 | | | Docket Number (Optional) Application Number | | | | | | | |
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| | 5,832,178 | Nov. 3, 199 | 8 Schav | e | ļ | | | | | |
| | 5,913,455 | Jun. 22, 199 | De La et a | al | ļ | | | | | |
| • | 5,950,867 | Sept. 14, 199 | 99 Martii | ndale et al. | | | | | | |
| | 5,979,796 | Nov. 9, 199 | 9 Ponzi | ani et al. | <u> </u> | | | | | |
| | 6,003,733 | Dec. 21, 199 | 99 Whee | ler | | | | | | |
| | 6,016,935 | Jan. 25, 200 | 00 Huege | erich et al. | | | | | | |
| | 6,056,160 | May 2, 200 | 00 Carlu | cci et al. | | | | | | |
| | 6,098,524 | Aug. 8, 200 | 00 Reese | | | | | | | |
| | 6,179,162 | Jan. 30, 200 | 01 Motse | enbocker | | | | | | |
| | 6,204,485 | Mar. 20, 20 | 01 Willia | ıms | | | | | | |
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Sheet _ 7_ of _ 7___. CUSTOMER NO.: 27623 Application Number Docket Number (Optional) **FORM PTO-1449** 10/811,322 884.0221USU Applicant INFORMATION DISCLOSURE CITATION IN AN APPLICATION Carlucci et al. Group Art Unit Filing Date 3754 (Use several sheets if necessary) March 26, 2004 U. S. PATENT DOCUMENTS FILING DATE IF **EXAMINER APPROPRIATE CLASS SUBCLASS** NAME DATE DOCUMENT INITIAL NUMBER Krietemeier et al. Nov. 6, 2001 6,311,868 Demarest et al. Mar. 26, 2002 6,361,752 Michaels et al. 6,415,957 Jul. 9, 2002 FOREIGN PATENT DOCUMENTS Translation SUBCLASS YES NO **CLASS** COUNTRY DATE **DOCUMENT** NUMBER OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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DATE CONSIDERED